

HUMAN RIGHTS COUNCIL - 47th SESSION

Interactive dialogue with the Special Rapporteur on the Human Rights of Migrants (23-24 June 2021)

Mr. Felipe Gonzalez Morales, Special Rapporteur on the Human Rights of Migrants:

- The main focus of the report [A/HRC/47/30](#) was addressing the **human rights impact of pushbacks of migrants on land and at sea**. The report defined “pushbacks” as all measures, actions or policies that effectively result in the removal of migrants, individually or in groups, without an individualized assessment in line with human rights obligations and due process guarantees. The SR highlighted that States’ legitimate interests in governing borders have in some cases turned into **mass apprehension and return of migrants without individual assessment of vulnerabilities and protection needs**.
- The report also addressed some **worrying global trends** regarding the violation of human rights of migrants, including: i) the militarization of border patrols, ii) the use of force involved in some pushback operations, iii) Refoulement and chain-refoulement risks, iv) Entering to bilateral and multilateral agreements as a strategy to bypass human rights obligations, v) Externalization of border governance measures, vi) Pushbacks at seas, vi) Allegations of Frontex’s implication in pushbacks and its limited accountability mechanisms, and viii) Denial or access to territory and or access to asylum by Member States.
- The report urges Member States to **put an end to pushback practices, respect fully the prohibition of collective expulsion and uphold the principle of non-refoulement**.

Presenting the report, the SR said that he did not carry out any official country visit due to constraints related to the current pandemic, but that he called upon States to develop a **human rights-based, gender-responsive, age- and child-sensitive approach** to migration and border governance that ensures the human rights of migrants. States should **harmonize domestic legislations** with international human rights law; protect and assist all migrants without discrimination; **ensure the use of force** and firearms by border authorities is **regulated**; acknowledge the role of civil society organizations; **cooperate internationally** to protect the lives and safety of migrants on land and sea; **promptly investigate allegations** of human rights violations; and **establish effective independent monitoring mechanisms**.

During the discussion the SR said he would **check every source of information that has provided information for his reports**, and that the mandate engages in follow-ups with the sources through bilateral communications. He also said that the practice of **pushbacks occurred before the COVID-19 but that it has been exacerbated during the pandemic**. Therefore, countries should adopt critical measures in the immediate term **including developing serious investigations** into these pushbacks and bolstering **monitoring mechanisms** at all levels.

Regarding a **gender perspective**, the SR highlighted it should be at the **core of all migration policies as it is a key critical component to tackle pushback actions**. In addition, he mentioned that **civil society organizations that save migrants at sea should not be criminalized**. Finally, the SR said that **transit countries were also involved in practices of pushback**, and that some migration agreements between transit and countries of destination did not safeguard the human rights of migrants.

The SR invited those interested to a **panel discussion**, co-organised with the OHCHR and Amnesty International, **for further exchanges on his report**. The event will take place [virtually](#) on 7 July 2021, 13h30.



Interactive Dialogue

The majority of the speakers commended the report made by the Special Rapporteur and highlighted their commitment to respect their obligations under international law and the human rights of **all migrants, in particular children**. They also highlighted the importance of the **Global Compact for safe, orderly and regular migration** and their full commitment to its implementation. Additionally, most emphasized the need for a **human rights approach in migration policy** and recognized that the **COVID-19 had created additional human rights challenges for millions of migrants**, exacerbating vulnerability to violations and discrimination. Several states expressed their concern about the impact of systematic pushbacks on the rights of migrants and **their vulnerability to collective expulsion or forced deportation**, and the use of **violence, physical and psychological abuse and ill-treatment**, as well as the **vulnerability of women and children to sexual violence and exploitation**, and the **risk of forced labour**.

The **European Union** regretted that the report **failed to acknowledge the extraordinary efforts made by the EU's governments**. **Germany** and **India** highlighted that **root causes** for migration should also be addressed as well as the circumstances in the countries of origin and the situation of those that are staying behind. **Greece** said that the report **disregarded an essential element: the responsibility that transit countries bear in the 'pushforward' practices**. **Hungary** regretted to see the **biased approach** in the report that led to a false evaluation of the **situation in Europe and specifically in Hungary**. The country indicated that the **report lacked objectivity**. **Sweden (in a joint statement)** and **India** emphasized that **mixed migration could present complex challenges as it required effective and comprehensive migration management systems**. The **USA** highlighted that it was committed to improving cooperation on international migration, **countering misleading narratives and information about migrants**, and addressing the root causes of irregular migration.

China (on behalf of a group of States) said that all countries should **respect the Convention on the Rights of the Child and adopt a child-rights approach to migration policy**. **China** and **Venezuela** further called on the **USA** and on the **EU** regarding **human rights violations against immigrants in these territories** and emphasized **US's forcible separations of immigrant children from their parents**. **Cuba** and **Venezuela** deplored the practices of some countries that **encourage migration generated by the imposition of illegal unilateral coercive measures and sanctions**. **Cuba** specifically denounced **the illegal blockade imposed by the US** which constituted an obstacle to the development of the country and a **stimulus to irregular emigration**. The **Syrian Arab Republic** referred to **acts of military and economic aggression** against the country, which **constituted a direct cause behind border migration flows**.

Algeria said that the information **cited on the country was unfair and unfounded**. The term "pushback" was not an internationally recognized legal concept. The country also called for an effective treatment of the **Sahel situation** and its root causes. **Morocco** expressed its concern about the **Algerian authorities' systemic practice of expelling thousands** of migrants and asylum seekers in serial raids. **Malaysia** specified that the continued issue of **influx of Rohingya refugees** must be addressed through concerted efforts by the international community, and not solely by Malaysia.

Russia mentioned it was important to take into account security issues in the context of the unauthorized mass arrival of **foreign citizens as this practice has become a very profitable business for organized criminal groups**. **Turkey** expressed its deep concern about the **continuous pushbacks of asylum seekers, arbitrary detention, ill-treatment and inhuman living conditions of asylum-seekers and refugees in Greece**. **Greek practices and Frontex's involvement clearly undermined the very foundation of 1951 Geneva Convention**, international human rights conventions and the humanitarian common values.



Delegations that took the floor during the Interactive Dialogue (58 country delegations):

European Union, Mexico (on behalf of Argentina, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Paraguay, Peru, Uruguay), Sweden (on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway), China (on behalf of a group of States), Paraguay, Germany, Libya, France, Ecuador, Indonesia, Sovereign Order of Malta, Portugal, Cuba, Luxembourg, Bangladesh, Costa Rica, Senegal, Iraq, Armenia, Togo, Syrian Arab Republic, Chile, Burkina Faso, China, India, Malta, Algeria, Venezuela, United States of America, Egypt, Morocco, Greece, Nepal, Malaysia, Sri Lanka, Colombia, Russian Federation, Afghanistan, Albania, Costa Rica, Croatia, El Salvador, Ethiopia, Hungary, Malawi, Mali, Mauritania, Niger, Nigeria, Philippines, South Soudan, Sudan, Thailand, Tunisia, Turkey, Uganda, Vietnam, Yemen.

Other observers: **UNICEF:** Access to territory is the first step to ensure life-saving protection for children on the move. Pushing back children without due process, without an opportunity to apply for asylum, or without child protection authorities conducting an assessment of each child's best interests, is always a child rights violation. **UN Women:** It is important to ensure that women human rights defenders do not face legal and practical obstacles while carrying out their work, **including when addressing and monitoring instances of pushbacks.** **NHRIs:** **Greek National Commission:** The commission has intensified its monitoring activities and scaled up its advocacy at the regional level.

Non-Governmental Organizations (NGOs) that took the floor during the Interactive Dialogue (10):

Amnesty International, Associazione Comunita Papa Giovanni XXIII, Caritas Internationalis (International Confederation of Catholic Charities), Centro de Estudios Legales y Sociales (CELS) Asociación Civil, Conectas Direitos Humanos, Defence for Children International, Defensor del Pueblo de España, Franciscans International, Greek National Commission for Human Rights, Rencontre Africaine pour la defense des droits de l'homme

The majority of the NGO representatives mentioned that impunity for violations against migrants would continue without a **firm, resolute condemnation, and actions to ensure practices of border control were in line with human rights standards.** Amnesty International referred specifically to violations of human rights against migrants in the **USA, Mexico, Trinidad and Tobago, Tanzania, Kenya, Greece, Croatia, Cyprus, France, Hungary, Italy, Malta, Slovenia, and Spain.** Several NGOs expressed deep concern over **the condition of migrants and asylum seekers moving through the Balkan route and the death of 132 migrants and asylum seekers in the Mediterranean.** The **rights of migrants in Argentina** were also addressed by an NGO, and another one mentioned the relevance of the **Brazilian situation regarding the militarization of the borders and pushback practices, during the COVID-19 pandemic.** Finally, several speakers emphasized the need for **comprehensive procedural safeguards for all children** in decision making processes that affect them, and the importance of addressing the specific needs of African migrants.

Rights of reply (6):

- **Greece:** In response to **Turkey's** allegations about human rights violations of migrants in the country.
- **Brazil:** in response to an **NGO** regarding its pushback practices during the COVID-19. Brazil argues the armed forces' strategy is focused on providing logistical support.
- **Algeria (Two rights of reply):** In response to **Morocco's statement** regarding the constant "attacks" against the country.
- **Turkey:** In response to statements made by **Greece** about the human rights violations of migrants in the territory.
- **Morocco:** In response to **Algeria's** statement regarding human rights violations of migrants.

To watch full ID with the SR on the Human Rights of Migrants, refer to UN Web TV [part 1](#), [part 2](#)